



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

June 2, 2011

Mr. Bruce Grey
Deputy Director
Office of Planning and Preliminary Engineering
Maryland State Highway Administration
707 North Calvert Street
MS C-301
Baltimore, Maryland 21202

RE: MD 3 Project Planning Study, from North of US 50 to South of MD 32 Anne Arundel and Prince George's Counties, Maryland, Final Environmental Impact Statement
CEQ No. 20110123

Dear Mr. Grey,

The Environmental Protection Agency (EPA) has received the Final Environmental Impact Statement (FEIS) for the MD 3 Project Planning Study signed by Federal Highway Administration in May 2011. In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), Section 309 of the Clean Air Act, EPA has reviewed the document. The Draft EIS was reviewed by EPA and correspondence sent to Maryland State Highway Administration (SHA) on May 13, 2005.

Since the time of the DEIS, SHA has worked with an interagency team to address concerns for impacts of the proposed road design to high-value wetlands and floodplain of the Patuxent and Little Patuxent River. EPA appreciates the changes made to minimize impacts, especially at the MD 450 and MD 3 interchange area. Though the design is engineered to minimize impacts, significant impacts remain, and mitigation is required to replace lost function and values of the aquatic system. SHA and the interagency team have worked to review potential mitigation for impacts of the project. As we stated in our letter of May 2005, EPA encourages the effort to secure resource preservation opportunities along MD 3 and supports securing the land as advanced mitigation as soon as possible. It is understood, that for the purposes of the MD 3 project, a variation was used in Maryland's Streamlined Environmental and Regulatory Process guidelines, as there have been difficulties identifying appropriate mitigation for the project. As such, conceptual mitigation is set forth, and agreement has not been reached for the mitigation package for the project. EPA appreciates the opportunity to continue to work with the interagency team to develop mutually acceptable mitigation, which will be needed in support of the Clean Water Act Section 404 permit that will be required for the project.



Thank you for the opportunity to review and comment on this document. The Agency looks forward to continued cooperation in the finalization of appropriate mitigation, and appreciates any further effort during detailed design to minimize environmental impacts. It is hoped that extra effort will be made during construction to advance excellent sediment and erosion controls and provide dedicated environmental monitoring during construction within high value resource areas. If you have any questions on these comments, please feel free to contact me at your convenience.

Sincerely,



Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

cc: FHWA

